

REMARKS

Claims 1-24 remain pending in this application and stand rejected.

Reconsideration of this application in light of the following remarks is requested.

I. Rejections Under 35 U.S.C. §112

Claims 1 and 13 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully disagree.

The Examiner stated the following with regard to the claims 1 and 13 limitation of the generated user identifier key indicating the generated user profile history is associated with a user that is different than a user associated with the key stored in the memory:

[I]t is not clear how the generated user identifier key indicates that the generated user profile history is associated with a user that is different from a user associated with the key stored in the memory.

Office Action dated 9 January 2008, Page 3.

Applicants note the subject limitation is taught by the Applicants' specification at, for example, Page 19, Line 21-Page 20, Line 6, and Page 22, Lines 2-6.

Further, The PTO provides in MPEP § 2173.01 that:

The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

Applicants submit that those skilled in the art would understand what is claimed by the claim 1 and 13 claim language when read in light of the specification. Accordingly, withdrawal of the rejection of claims 1 and 13 under 35 U.S.C. §112, second paragraph, is requested.

II. Rejections Under 35 U.S.C. §102

Claim 13

Claim 13 recites the following:

13. A method for profiling different users having a common terminal identifier comprising:
- storing user profile histories in a memory, each user profile history being stored in the memory in association with a key;
 - receiving user activity data at a server from clients over a computer network;
 - receiving the user activity data from the server;
 - extracting profile data from the user activity data;
 - searching the user activity data for key data that identifies one of a user terminal and a user account;
 - determining whether the key data located in the user activity data corresponds to a key stored in the memory;
 - generating a user identifier key from the key data and a user profile history from the extracted profile data in response to the key data corresponding to a key stored in the memory and the extracted profile data failing to correlate to the user profile history stored in the memory in association with the key stored in the memory;
 - storing the generated user identifier key in the memory; and
 - storing the generated user profile history in the memory in association with the generated user identifier key and the key to which the key data corresponded so the generated user profile history is associated with a user that is different than a user associated with the user profile history stored in association with the key stored in memory to which the key data corresponded, but both the generated user profile history and the user profile history stored in the memory are associated with the key that corresponded to the key data.

Claim 13 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application No. 2001/0049620 to Blasko ("Blasko").

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 13, to sustain this rejection the Blasko patent must contain all of the above claimed elements of the claim. However, contrary to the Examiner's position that all elements are disclosed in the Blasko reference, Blasko does not disclose generating a user identifier key from the key data and a user profile history from the extracted profile data in response to the key data corresponding to a key stored in the memory and the

extracted profile data failing to correlate to the user profile history stored in the memory in association with the key stored in the memory.

With regard to the claim 13 limitation of “generating a user identifier key from the key data and a user profile history from the extracted profile data in response to the key data corresponding to a key stored in the memory and the extracted profile data failing to correlate to the user profile history stored in the memory in association with the key stored in the memory,” the Examiner cited the following passage of Blasko as allegedly disclosing such a method step:

If one or more deterministic features are present, the evaluator 702 communicates to a secure correlation server 708 for **correlating the user identification with the previously stored profile vector information**. This correlation helps to identify the user's preferences and interests and thus assist in providing one or more customized/personalized incentives/offers to the user. It is contemplated that identity correlation would only be done with the user's explicit permission, for example, on a subscription basis.

Blasko, Paragraph 130 (Emphasis Added).

Applicants respectfully disagree. Here, Blasko only describes correlating a user ID with stored profile information. Blasko in no manner describes or suggests generating a user identifier from key data and a user profile history from extracted profile data in response to key data corresponding to a key stored in memory and the extracted profile data **failing to correlate to the user profile history stored in the memory in association with the key**. For at least this reason, Blasko is insufficient to anticipate claim 13, and withdrawal of the rejection of claim 13 is thus requested.

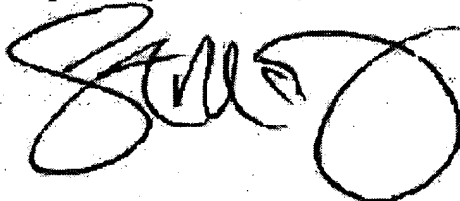
Independent claim 1 recites similar features as claim 13 and was rejected under similar rationale. Therefore, the same distinctions between Blasko and the claimed invention in claim 13 apply for claim 1. For at least the reasons described above, Blasko fails to anticipate claim 1 and withdrawal of the rejection of claim 1 is respectfully requested.

III. Conclusion

It is clear from all of the foregoing that independent claims 1 and 13 are in condition for allowance. Dependent claims 2-12 and 14-24 depend from and further limit independent claims 1 and 13 and therefore are allowable as well.

An early formal notice of allowance of claims 1-24 is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. McDonald', with a large circular flourish at the end.

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